

# EXHIBIT A

**ORIGINAL**

1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x

4 TRUSTEES OF THE  
5 LAUNDRY, DRY CLEANING WORKERS AND ALLIED  
6 INDUSTRIES HEALTH FUND, UNITE HERE! and  
7 TRUSTEES OF THE  
8 LAUNDRY, DRY CLEANING WORKERS AND ALLIED  
9 INDUSTRIES RETIREMENT FUND, UNITE HERE!,  
10

Plaintiffs,

07CV6999  
(DLC (DFE))

11 -against-

12 B&M LINEN CORP. D/B/A/ MIRON & SONS LINEN  
13 SUPPLY A/K/A MIRON & SONS LINEN, INC.,  
14

Defendant.

15 -----x

16 DEPOSITION of Defendant by MIRON  
17 MARKUS, taken pursuant to Notice, held at the  
18 offices of Kennedy, Jennik & Murray, P.C., 113  
19 University Place, New York, New York, on  
20 January 29, 2008, at 11:40 a.m., before Fran  
21 Insley, a Notary Public of the States of New  
22 York and New Jersey.

23 ELLEN GRAUER COURT REPORTING CO. LLC  
24 126 East 56th Street, Fifth Floor  
25 New York, New York  
212-750-6434  
Ref: 86260

1 MARKUS

2 to you.

3 Are you under the influence of any  
4 drugs or medication that would prevent you from  
5 being able to participate fully today?

6 A. No.

7 Q. What is the business of B&M Linen  
8 Corp.?

9 A. It is a commercial laundry who  
10 provides service to hotels, clubs, restaurants.

11 Q. Where is it currently located?

12 A. 220 Coster, C-O-S-T-E-R, Street,  
13 Bronx, New York 10474.

14 Q. B&M Linen Corp. is also known as  
15 Miron & Sons?

16 A. Yes, B&M Linen d/b/a Miron & Sons.

17 Q. For purposes of this deposition I'm  
18 going to use the term "Miron & Sons," because  
19 that is what we typically refer to.

20 A. No problem.

21 Q. Does Miron & Sons have any other  
22 locations other than 220 Coster Street?

23 A. No.

24 Q. Is Miron & Sons located -- rather  
25 active in any other industries other than the

1 MARKUS

2 commercial laundry industry?

3 A. No.

4 Q. What is your position at Miron &  
5 Sons?

6 A. President.

7 Q. How long have you held that  
8 position?

9 A. 25 years.

10 Q. That is a full-time occupation on  
11 your part?

12 A. Yes.

13 Q. How many employees does Miron & Sons  
14 have now?

15 A. Today?

16 Q. Yes.

17 A. About a hundred.

18 Q. How long has Miron & Sons been  
19 located at 220 Coster Street?

20 A. About a year and a half.

21 Q. Prior to that point, where was it  
22 located?

23 A. 310 Walton Avenue, Bronx, New York  
24 10454.

25 Q. That's 310 Walton?

1 MARKUS

2 THE WITNESS: No, I said that. I  
3 said to Wilfredo. I don't remember. I  
4 remember we had meeting in the union  
5 place, and I ask Wilfredo to call Diana so  
6 that she is going to be a witness in our  
7 meeting, write down everything, without  
8 Josh, without anybody.

9 Q. Now, Diana is the secretary for  
10 Wilfredo, correct?

11 A. Yes, and the same thing with Clay.

12 Q. And she works at the union?

13 A. Yes, but when? You'll kill me. I  
14 don't remember.

15 MR. ZUCKERBERG: I'm sorry, Tom. I  
16 need a two-minute bathroom break.

17 MR. KENNEDY: Sure.

18 (A recess was taken from 12:12 p.m.  
19 until 12:14 p.m.)

20 Q. Did your agreement with Wilfredo  
21 that people would not go into the union for the  
22 first three months after they were hired ever  
23 take a written form?

24 A. I don't think so.

25 Q. So there was never any writing

1 MARKUS

2 reflecting that?

3 A. No, because those times we had  
4 meeting without any witnesses, without anybody.

5 MR. KENNEDY: Well, let me have  
6 marked as Exhibit 6 an agreement made  
7 March 20, 2003 between the union and I  
8 believe yourself, sir, on behalf of Miron  
9 Laundries.

10 Can you look at number 6, sir.

11 (Whereupon an agreement between the  
12 union and Miron Laundries dated March 20,  
13 2003 was marked as Markus Exhibit 6 for  
14 identification, as of this date.)

15 Q. If you look at -- first feel free to  
16 familiarize yourself with the document. My  
17 question after you read it is, is that your  
18 signature and Wilfredo's signature that appears  
19 on the document?

20 A. Yes, it is my signature and  
21 Wilfredo's signature.

22 Q. Is it fair to say that at the time  
23 you signed this document Wilfredo was the head  
24 of the union?

25 A. Yes.



1 MARKUS

2 Q. Had you reached your oral agreement  
3 with Wilfredo before or after signing this  
4 agreement that we have identified as Markus  
5 Exhibit 6?

6 A. I don't remember.

7 Q. Well, you'll note that the second  
8 "Whereas" on page 2 says, "The company is  
9 obligated pursuant to a series -- pursuant to  
10 the terms of a series of Collective Bargaining  
11 Agreements and supplemental agreements thereto  
12 to make contributions to the funds."

13 Do you see that, sir?

14 A. I'm sorry.

15 Q. It is the second "Whereas" on the  
16 first page.

17 A. You mean this one?

18 Q. Yes, that is the one I'm referring  
19 to. I see where you are pointing.

20 A. Yes, it's an obligation to make a  
21 payment.

22 Q. Do any of the collective bargaining  
23 agreements that are referred to in the  
24 "Whereas" contain the exception of the first  
25 three months of employment that you have

1 MARKUS

2 identified as having reached as a verbal  
3 agreement with Wilfredo?

4 A. You mean over here?

5 Q. Yes.

6 A. No, it doesn't say anything about  
7 it.

8 Q. At the time you signed the March 20,  
9 2003 agreement, did you have a verbal agreement  
10 with Wilfredo that contributions would not be  
11 required for the first three months of an  
12 employee's employment?

13 A. I don't remember. Maybe it was  
14 later. Maybe it was before. I don't remember.

15 Q. Can you direct me to a document  
16 signed after March 20, 2003 in which Wilfredo  
17 acknowledged any exception for contribution  
18 obligations for the first three months of an  
19 employee's --

20 A. You'll have to ask Wilfredo there.

21 Q. Do you know of any such document,  
22 sir?

23 A. No, there wasn't any such documents,  
24 so far as I remember. Like I said at the  
25 beginning, it was a verbal agreement between



1 MARKUS

2 Wilfredo and me.

3 Q. At the time of the negotiation of  
4 the agreement that we identified as Markus 6  
5 were you represented by Mr. Zuckerberg?

6 A. I don't remember. I don't think so.

7 Q. You need to kind of -- I don't mind  
8 if you consult with Mr. Zuckerberg.

9 A. I don't think so.

10 Q. Do you know who you were repped by,  
11 sir, if anyone?

12 MR. ZUCKERBERG: Let me help you  
13 with this, and I'll just point everybody  
14 to paragraph 10. I think paragraph 10  
15 will help you answer that question.

16 MR. KENNEDY: I see, yes.

17 Q. If you look at paragraph 10, sir,  
18 it's on the third page.

19 (Witness reading document.)

20 Q. You see the reference to  
21 Mr. Zuckerberg?

22 A. So he was there. If it says Josh  
23 Zuckerberg, then he was there. I don't think  
24 Josh was in the meeting.

25 Q. I'm not asking you that. I'm just

1 MARKUS

2 asking you if at the time of the agreement in  
3 March 20, 2003 if you were represented by  
4 Mr. Zuckerberg.

5 A. It looks like.

6 Q. In the verbal agreement that you  
7 reached with Wilfredo about the people not  
8 going into the union for the first three months  
9 after their hire, was that agreement reached  
10 with Mr. Wilfredo before or after you were  
11 represented by Mr. Zuckerberg?

12 A. I don't remember.

13 Q. It could have been after you were  
14 represented by Mr. Zuckerberg?

15 A. Possible.

16 Q. It could have been before you were  
17 represented by Mr. Zuckerberg?

18 A. Possible. We had a lot of meetings  
19 between Wilfredo and me without any lawyers.

20 Q. I would like you to look at Markus  
21 Exhibit 3 which I believe, sir, is right there.

22 A. Yes.

23 Q. This agreement is the collective  
24 bargaining contract, the changes I guess in the  
25 collective bargaining contract for the period

1 MARKUS

2 A. Eleven and a half percent.

3 Q. I notice paragraph 5 provides for a  
4 trial period of three months. Do you see that,  
5 sir?

6 A. Right.

7 Q. Is there any part of this document,  
8 Markus 3, that you would point to in support of  
9 your argument that during a trial period the  
10 employer wasn't obligated to make contributions  
11 to the insurance retirement or scholarship  
12 fund?

13 A. I don't remember.

14 Q. Well, take a look at it. You're an  
15 experienced businessman, sir.

16 A. You see, I can say yes, I can say  
17 no, but it's not fair because I don't want to  
18 lie. I don't remember how we make agreements.

19 Q. I want to be very clear, I'm not  
20 asking you for a legal conclusion. I'm asking  
21 you as a businessman. You did sign this  
22 document?

23 A. Yes, I did sign this.

24 Q. Were there any paragraphs in here  
25 that you understood as allowing you not to make

1 MARKUS

2 signed, is there any reference by your  
3 understanding to the -- to an agreement that in  
4 the first three months health and pension  
5 contributions are not obligated to be paid?

6 A. I'm sorry. I didn't understand your  
7 question.

8 Q. The first three pages that are  
9 signed by you and have the handwritten changes,  
10 do you understand any of these paragraphs to  
11 show this verbal agreement that no  
12 contributions are owed for the first ninety  
13 days?

14 A. It doesn't show anything about  
15 anything. It does not.

16 Q. The document that we have identified  
17 as Markus Exhibit 5, is that the current  
18 collective bargaining agreement between Miron &  
19 Sons and the laundry workers union?

20 MR. ZUCKERBERG: Objection.

21 You can answer if you know.

22 A. I don't know. I don't answer. I  
23 don't know.

24 Q. Do you know -- this stipulation  
25 appears to be dated November 27, 2006?

MARKUS

A. Right.

Q. Is that about the date you signed it?

A. I don't remember.

Q. After signing this agreement dated November 27, 2006, did you sign any other agreements with the union?

A. I don't remember.

Q. Do you know of any agreements after November 27, 2006 that are in writing that would change or affect Miron & Sons' obligations to make contributions to the benefit fund?

A. I don't remember.

MR. ZUCKERBERG: Off the record.

(A recess was taken from 12:34 p.m. until 12:42 p.m.)

Q. So I would like to direct your attention to what we have marked as Myron Exhibit 2. That is the large document, sir.

A. Yes.

Q. Page 4.

A. Yes.

Q. Paragraph 1 is entitled, "Unit," and

1 MARKUS

2 people who belongs to my family; let me put  
3 this this way. I can't put it another way.

4 Q. Is it fair to say most of those  
5 people have Russian names?

6 A. No, not everybody.

7 Q. I believe all of the names on  
8 exhibit, rather, page 2 of Exhibit 7 are  
9 Hispanic; is that fair to say?

10 A. I beg your pardon?

11 Q. Are all the names Hispanic?

12 A. No, it's not Spanish, no. It's  
13 different people. Djiteye is an African girl.  
14 I see that. The name is D-J-I-T-E-Y-E.

15 Q. When putting together the list of  
16 people on which contributions were made for  
17 this July 19th date, did you include employees  
18 in the group represented by the union that had  
19 not been there three months yet?

20 A. No.

21 Q. So this list excludes the people who  
22 hadn't been there ninety days or three months?

23 A. Right. This does not include these  
24 people, of course.

25 Q. Does this group include part-timers?

1 MARKUS

2 A. No.

3 Q. Did you have any agreement with the  
4 union that you could exclude part-timers from  
5 the group on which contributions were made?

6 A. Let me put it this way: I tried to  
7 refresh my memory. It was -- I have to  
8 calculate back. We have 2007, right. 2005,  
9 1995, 1993, about 1987, 1988, it was set up  
10 that if you have part-timers, then not included  
11 are union member if they are working up to  
12 certain amount of hours.

13 At that time nobody did pick up  
14 these questions and nobody bothered with me.  
15 Nobody had a conversation with me about these  
16 part-timers.

17 Q. Was this an agreement that you  
18 reached with someone from the union?

19 A. I really don't remember. I tell you  
20 honest, because it was so many years. About  
21 1987, 1988, something like this, maybe 1986  
22 even. I don't remember exactly.

23 I know I was on the -- it was 130th  
24 Street in Harlem those times we get this  
25 agreement, really too many years ago, and



1 MARKUS

2 nobody, nobody talk to me about part-timers  
3 even, never.

4 Just pick up about half a year ago,  
5 just start talking to me, "Miron, you're not  
6 allowed to have part-timers."

7 I say, "Why?"

8 "They work a short time."

9 "And why am I supposed to cover them  
10 if they are not supposed to get benefits?"

11 Q. I'm trying to understand the  
12 agreement. The agreement was reached sometime  
13 in 1986 or 1987?

14 A. Right.

15 Q. What specifically was the agreement  
16 that was reached?

17 A. Part-timers do not include on the  
18 union and benefit funds.

19 Q. How were you defining part-timers  
20 for the purposes of that agreement?

21 A. I don't remember already, but I  
22 think it was certain amount of hours.

23 Q. How many hours?

24 A. I don't remember. I tell you  
25 honestly, I don't remember.

1 MARKUS

2 Q. So a mechanic is a job that is in  
3 the Laundry Workers Union bargaining unit,  
4 correct?

5 MR. ZUCKERBERG: Objection.

6 A. If he is part-timer, no. That is my  
7 mentality.

8 Q. Putting aside part-time or  
9 full-time, if he were full-time -- let me put  
10 it this way -- he would be in the bargaining  
11 unit represented by the laundry workers?

12 A. Yes, of course.

13 Q. You're complaining this particular  
14 individual was not because he was a part-timer?

15 A. He was working like a part-timer,  
16 right.

17 Q. Is there anything in any of the  
18 contracts we have identified, the '03 contract,  
19 the '06 contract, the '04 stipulation, any  
20 other agreement that in writing says  
21 part-timers are not covered under the union  
22 contract?

23 A. Like I said before, it's never say  
24 cover or non-cover. In any contract you will  
25 not find that it says part-timers before or

1 MARKUS

2 after this certain amount, I'm not supposed to  
3 be covered or they cover.

4 Q. Well, when it says -- the contract  
5 says all employees, wouldn't the phrase "all  
6 employees" mean full-time employees and  
7 part-time employees?

8 A. No, I don't agree with you.

9 Q. Why do you not agree with that, sir?

10 A. Because it says, "All employees,"  
11 but it does not say, "Supervisor not included,  
12 office people not included."

13 I give an example. I have a porter.  
14 He is working two hours per day. That's it.  
15 He come in at 6:00 o'clock at night and he go  
16 home at 8:00 o'clock at night. It is a  
17 part-timer. He work six days a week, eighteen  
18 hours per week. That's all. Even I think  
19 three hours a day, an hour, eighteen hours per  
20 week, that's it.

21 I pay him salary even. Why?  
22 Because you see, I don't stand behind him and  
23 watch what he is doing, if he sweep slower or  
24 faster, if he is talking or if he is playing.  
25 For his work I pay him salary, but he come in

1 MARKUS

2 document --

3 A. This situation was picked up by Josh  
4 to me when he mentioned something about me  
5 going to court.

6 I said, "For what?"

7 "For part-timers."

8 I said, "Why?" It was my verbal  
9 agreement with Wilfredo, before Wilfredo was  
10 born even, before he was born.

11 Q. Before he was born?

12 A. Yes, part-timers not included. I  
13 mean before he came to the union, I mean.  
14 Because he came to the union, I don't remember  
15 how many years ago.

16 MR. ZUCKERBERG: Miron, for point of  
17 clarification, who did you deal with when  
18 you first started dealing with the union?  
19 Was that with Clay Brown?

20 THE WITNESS: No, I think she wasn't  
21 there. She came about -- it was some  
22 Jewish guy. I don't remember his name  
23 before Clay. Clay was his assistant, and  
24 then Clay became the manager.

25 Josh, I want you to understand how

1 MARKUS

2 some people came from United Tax, some people  
3 we transfer from part-time, from part-timer to  
4 full-time because we grow. We are going to  
5 need more hours, more job, more people.

6 Q. So is it fair to say then that in  
7 October of '07 you still weren't paying on  
8 people you considered part-timers?

9 A. Yes.

10 Q. And you weren't paying on people on  
11 their first ninety days of employment if they  
12 were full-time?

13 A. Yes. Some of these people pass  
14 ninety days, and I put them in union.  
15 Amalgamated do exactly the same. They don't  
16 cover six months, but they pay for their  
17 benefits, right.

18 Q. I notice that in --

19 A. Probably next month you'll see more  
20 people.

21 Q. November 1st, if you look at  
22 Exhibit M13, the last page, we were up to 56 or  
23 57 employees in which you were paying?

24 A. Very possible. Like I explain to  
25 you, Mr. Kennedy, you see, I don't play -- I

1 MARKUS

2 is last name, first name, don't you think,  
3 Miron?

4 A. It's the last name, and the first  
5 name is Simonis.

6 Q. That would make more sense, yes.

7 If you look at the second name, Jose  
8 Acevedo, on the document your looking at,  
9 sir --

10 A. Yes.

11 Q. -- the handwriting says, "Worked one  
12 month"?

13 A. I don't know who write it. I tell  
14 you it's impossible. It can't be for one month  
15 because \$1,900 isn't earned for one month, but  
16 it's definitely not my writing, definitely.

17 Q. Am I correct that your firm, B&M  
18 Linen, produced these NYS-45's to the fund?

19 A. Yes.

20 Q. And we are referring to --

21 A. I don't know who was writing this  
22 because I gave to them without any notes to  
23 auditor. It's not -- you can see my writing.

24 Q. No, I accept your testimony that  
25 it's not you're writing, sir. I'm just trying

1 MARKUS

2 to find out whose writing it is.

3 A. I don't know.

4 Q. If you look at the last name on this  
5 sheet of the third quarter of '05 report, where  
6 it is Yunicy Beato?

7 A. The same paper?

8 Q. The same page, yes.

9 A. Yes.

10 Q. Do you see next to that is the  
11 handwritten words, "Part-time"?

12 A. Right.

13 Q. Do you know who would have written  
14 that?

15 A. The same person, but I don't know  
16 who did it. I really don't know.

17 Q. Now, if you examine all of those --

18 A. Do you have another copy with this  
19 marking? I could ask my secretary who do it.

20 Q. Well, the copy your attorney has has  
21 the marking on it, too.

22 A. Okay. I'll ask my secretary,  
23 because I don't know who did it.

24 Q. When did you provide the benefit  
25 fund with these New York State 45 or NYS-45



1 MARKUS

2 forms?

3 A. When I owed it, maybe two months  
4 ago.

5 Q. It was sometime in '07, correct?

6 A. Yes, end of '07. One second.

7 Q. The last one I have is the second  
8 quarter of '07.

9 A. I see '07.

10 Q. You notice on the upper right-hand  
11 portion there is an X next to which quarter it  
12 is?

13 A. I don't see.

14 Q. Would you hand me those documents,  
15 and I'll find it for you?

16 A. Yes, please.

17 (Handing.)

18 Q. Yes, this is the first quarter '07,  
19 Markus 34.

20 A. Now I see it's the second quarter.  
21 That's all. You have second quarter. This was  
22 probably the end of 2007.

23 Q. Who is it who had discussed custody  
24 of these documents before they were given to  
25 the fund?

1 MARKUS

2 other things that are said on these papers?

3 A. No, I don't know.

4 Q. Would you agree with me it's  
5 probably something that somebody from your firm  
6 told the funds?

7 MR. ZUCKERBERG: Objection.

8 You can answer.

9 A. I don't know. Very possible,  
10 because Amalgamated doesn't know who is who.

11 Q. I'm really trying to make you  
12 remember, if you can, how these handwritten  
13 notations got on these NYS-45 forms.

14 A. I told you I don't remember. I  
15 don't want to lie. I'm not in condition to lie  
16 even. It's not worth it. I see a lot of  
17 mistakes that is not supposed to be. I tell  
18 you honestly. It's unbelievable, like you see  
19 work one month, I have to check who is Jose  
20 Acevedo. I don't know who is he.

21 Like I explained to you before, we  
22 have meetings with Wilfredo. People come in  
23 and go. They working one week, three weeks,  
24 month, month and a half, gone. Let me make  
25 agreement that up to three months, if people

1 MARKUS

2 p.m., February 19, 2007."

3 Do you see that, sir, on the upper  
4 left-hand portion?

5 A. Yes.

6 Q. Am I right this is an employee  
7 contact list that was created by B&M Linen.  
8 Corp.?

9 A. Yes, it is.

10 Q. And the typed-in names under the  
11 word "Employee," were they also added by your  
12 firm, sir?

13 A. Yes.

14 Q. And then the -- it appears to the  
15 right of those names, and there seem to be 113  
16 of them. I notice they are numbered?

17 A. No, they have no numbers. Oh,  
18 somebody count here. I see somebody count.

19 Q. If you look at the first page, just  
20 so you understand what I'm referring to, do you  
21 see in between "Employee" and "Signatures"  
22 there is a series of handwritten numbers?

23 A. Yes, I see it. Somebody count.  
24 That's okay.

25 Q. These signatures to the right, do

1 MARKUS

2 Q. That's the first time you saw it?

3 A. That's the first time Josh showed me  
4 this paper.

5 I said, "Josh, give me copy of this  
6 paper, and I will look up on computer people  
7 were working, how they were working, where they  
8 were working," and that's what I did. You can  
9 see it.

10 Q. I have one, sir. Josh was kind  
11 enough to send it to me.

12 A. I especially had him prepare it.

13 MR. KENNEDY: I'm just marking this  
14 as Exhibit 48.

15 THE WITNESS: Okay. No problem.

16 (Whereupon an employee contact list  
17 with a date of origin of February 3, 2008  
18 was marked as Markus Exhibit 48 for  
19 identification, as of this date.)

20 Q. I would like to show you a document  
21 I have marked as Exhibit 48 which is identified  
22 as employee contact list, but it is -- date of  
23 origin appears to be February 3rd, 2008.

24 Do you recognize that, sir?

25 A. Yes.

1 MARKUS

2 Q. What is it?

3 A. I get these names from my counsel,  
4 from my counsel.

5 Q. From your attorney, correct, sir?

6 A. From my attorney, and I prepare for  
7 him to mark each person individual, what days  
8 they were hired, for people who continue  
9 working. For people who not working anymore, I  
10 put in and out as of the date of hiring, the  
11 first and last day of working to every single  
12 person. Yes, I did prepare it and I send it to  
13 Josh.

14 Q. So, for instance, you identified a  
15 Braulio A. Leon as the boiler engineer?

16 A. Right.

17 Q. I take it you wrote that in, sir?

18 A. Yes, I did.

19 Q. And Catalina Dominguez is the office  
20 secretary?

21 A. Catalina, yes.

22 Q. And Elena Mendelvich is a chief  
23 engineer?

24 A. Yes, Elena, yes.

25 Q. That's all information you put on

1 MARKUS

2 different question, but I spoke to George  
3 before I withdraw his name, and if you take a  
4 look at the record, you'll see his name over  
5 there before he become chief engineer.

6 Q. What about the category of porter?

7 A. Okay, I have four people who come in  
8 for two, three hours per day to clean shop and  
9 clean equipment. I pay them salary. They have  
10 a very high salary, I swear to God. Maximum  
11 they are working five or six days, eighteen  
12 hours per week. Sometimes they are working  
13 twelve hours, twelve and a half, that's all.  
14 It's like -- it's not part-timers even, and  
15 believe it or not they quit every three or four  
16 months. So far I have only one person who was  
17 working more than a year.

18 Q. You don't make payments to the funds  
19 for those people?

20 A. No, of course not. Even I mark on  
21 this paper it's a porter. It is people who  
22 come in to clean. Yes, they get salaries.  
23 They don't get per hour, because if the paper  
24 says per hour, I would have nobody.

25 Q. I notice on the second page of the

1 MARKUS

2 I said, "So you have to go." She  
3 left.

4 About -- I don't remember, two  
5 months later she came back again, the same  
6 picture, different Social Security. Again, I  
7 hire her. Again, she is gone.

8 After she came back, and in about a  
9 week she said that she is pregnant. I said,  
10 "Okay, what do you want me to do?"

11 "Now I'm going."

12 Now she came back again. She  
13 delivered baby. I says, "Anna, can you show me  
14 your picture ID with Social Security?"

15 She showed me. She said, "Miron,  
16 it's now mine."

17 I said, "Are you sure it's yours?"

18 "Yes," so I hired her again.

19 I have several people like this,  
20 because people come in, they give Social  
21 Security. How did they get letter from Social  
22 Security office? The Social Security not  
23 function, so I have to let them go.

24 Q. When Anna Martinez was working at  
25 the shop, she was always working in a union



1 MARKUS

2 job, correct?

3 A. No, she was working about one or two  
4 weeks and gone, one or two weeks and gone  
5 again.

6 Q. In the one or two weeks she was  
7 there, what was she doing?

8 A. She was feeder.

9 Q. What is a feeder?

10 A. She feeding sheets.

11 Q. She is feeding sheets into the  
12 washing machine?

13 A. No, to press. It is a final  
14 section, not a washing section.

15 Q. A final section?

16 A. Yes, we have feeder, we have ironer  
17 and folder. Feeding people connect to clamp  
18 sheet. They call it -- professionals call it  
19 feeder, because they are like feed sheets.

20 Q. So they put sheets into the pressing  
21 machine?

22 A. Right -- not into the pressing  
23 machine, the feeder machine.

24 Q. That is a job that is covered by the  
25 union contract?

1 MARKUS

2 A. Yes, yes, any job covered by union  
3 contract.

4 Q. So let's look at Angel Lecen, the  
5 fourth name, L-A-C-E-N, hired January 28, 2003.

6 A. Correct.

7 Q. What job does Angel hold?

8 A. Helper.

9 Q. That is a job covered by the union  
10 contract, correct?

11 A. Yes.

12 Q. Did you make health contributions  
13 for Angel Lacen?

14 A. No.

15 Q. Why not?

16 A. The kid doesn't want to be union.

17 Q. So is it up to him who gets to be in  
18 the union?

19 A. Mr. Kennedy, let me explain to you  
20 what we did. Our -- how we working with union  
21 or have been working, let me put it this way,  
22 before Wilfredo. I have -- for example, I have  
23 Rodrigo Vaquero, R-O-D-R-I-G-O, V-A-Q-U-E-R-O.

24 Q. So what is the story with  
25 Mr. Vaquero?

1 MARKUS

2 A. He is a manager, but he came to us  
3 and says, "Miron, I need benefits."

4 "Okay, fill out application. Talk  
5 to Wilfredo."

6 I talk to George. I say, "Do you  
7 mind he be union?"

8 "Okay." I have plant manager  
9 belongs to union.

10 Q. Yeah, I know.

11 A. But I have people who tell me, "You  
12 are going to put me in union, I'm going to quit  
13 from your job right away."

14 What do you want me to do? Put  
15 yourself in my shoes. He's a very good helper.  
16 He work a lot of time with us. He is very  
17 flexible. He doesn't want it. Why? He  
18 doesn't answer me even why. He says, "I don't  
19 want it." That's all.

20 Q. What about Angela P-A-Y-E-R-O?

21 A. Same picture. She doesn't want it.  
22 I offer her to be supervisor. She doesn't want  
23 to be supervisor. She wants to work.

24 Q. What about D-E-Y-A-D-E? That's the  
25 first name. The second name is

1 MARKUS

2 D-J-A-B-A-K-A-T-I-E.

3 A. The same answer.

4 Q. What job does that person hold?

5 A. He is a feeder.

6 Q. How about Dulce Silva, S-I-L-V-A?

7 A. She is a towel folder.

8 Q. That is a union job, correct?

9 A. All of them union job. Every job in  
10 the shop is union job. Of course, I don't  
11 confuse it.

12 Mr. Kennedy, understand me correct,  
13 I run business like this. If person tell me,  
14 "I don't want it what am I going to do, punch  
15 him?" Like I remember it was Clay Brown time.

16 Q. You mean it was during the period of  
17 time in which Clayola Brown was the manager of  
18 the union?

19 A. Right, and who was my  
20 representative. I don't remember even. I  
21 don't remember. He came into one of my  
22 employees and tell them, "You're fired." I  
23 don't remember even who was there.

24 This employee came to me and says,  
25 "Miron, who is this person?"

MARKUS

Q. Were contributions made?

A. He didn't pay anything.

Q. Then look at Eduardo Rosado.

A. Yes.

Q. He was hired on February 1, '07 and last worked April 29, '07?

A. Right.

Q. Was that in a union job?

A. I don't remember what he did even. Any job in the shop was a union, but my agreement with Wilfredo was up to three months nonunion.

Q. So that's why no contributions were made on his behalf?

A. Right.

Q. And what about Eliseo Tomas, hired August 12, '02?

A. He was helper, and -- I didn't pay for his benefits.

Q. Was there any reason for that?

A. I told you what reason is.

Q. He didn't want to be?

A. It's crazy reason, but that's what it is.

1 MARKUS

2 Q. He didn't want to be in the union?

3 A. (Witness shakes head.)

4 Q. Are you agreeing with that, sir?

5 You didn't say anything. You just shook your  
6 head.

7 A. Yes, I agree with it.

8 Q. Is the same true for Mr. Elvis  
9 Gotoy, who I gather was hired in January '07  
10 and was no longer there on 10/1/07?

11 A. I think he was union. I have to  
12 check it.

13 Q. So you may have made contributions  
14 on his behalf?

15 A. It's possible I did, but I'm not  
16 sure because he was working so short time.

17 You know what? Give me one second,  
18 please, if you don't mind.

19 Q. Sure.

20 A. He start to work on October 2007.  
21 Yes, he was union.

22 Q. And you made contributions on his  
23 behalf?

24 A. Look.

25 Q. I believe you. Okay, terrific.

1 MARKUS

2 because I got letter from Social Security  
3 office about her personal. What she did  
4 before, I don't know.

5 The same like you have Rosa -- where  
6 is Rosa? Rosa Rivera. It's second page.

7 Q. I see her name. Hired June 4th,  
8 last worked June 19, '07?

9 A. She departed from United States  
10 already. She was in court, and the court  
11 decision. She is illegal.

12 Q. Do you know what job she held?

13 A. I don't remember. She only worked a  
14 couple of weeks and was gone.

15 Q. What about Maria Garcia? She was  
16 hired July 14, 2005. She is three from the  
17 bottom on the first page.

18 A. Yes, she work a long time. George  
19 talk to her about ten times.

20 Q. What job did she hold, sir?

21 A. She is a towel folder. It is a  
22 union job. George talk to her. She sent him  
23 to hell straight without any explanation.

24 Q. Did you make any payments on her  
25 behalf?



MARKUS

A. No.

Q. What about Mariela Pesado?

A. Same picture.

Q. Did she do the same job?

A. Yes.

Q. What about Sylvia N-O-R-A-L-E-Z?

She is about ten from the bottom on the second page, hired on July 10th, 2006, appears to still be working there?

A. I let George talk to her.

Q. Do you know what job she holds, sir?

A. Towel folder. She is a very good worker.

Q. Did you make payments on her behalf?

A. No.

Q. What about Sugelly, S-U-J-E-L-L-Y, Cruz?

A. She is a good worker.

Q. Do you know what job she holds?

A. She does union job.

Q. Did you make payments on her behalf, sir?

A. No.

Q. What about the next two people,

1 MARKUS

2 Teresa Martinez and Victor Alcantara?

3 A. Teresa Martinez, exactly the same.  
4 She is union job. I don't pay any benefits.

5 Q. Is that because she said she didn't  
6 want to?

7 A. Right.

8 Q. What about Victor Alcantara? Is  
9 there something funny about Mr. Alcantara?

10 A. He is a great driver. He is a great  
11 driver. I cannot do nothing.

12 Q. The drivers are in the union,  
13 correct, sir?

14 A. Yes, but he's not union.

15 Q. Did you make payments on his behalf?

16 A. No.

17 Q. What about the last name, Yosepat  
18 Garcia? She apparently was hired April 13,  
19 '07. Do you know what job she has?

20 A. He has -- he is in the washing  
21 department, receiver.

22 Q. That's a union job, correct, sir?

23 A. Why he.

24 Q. You didn't make payments on his  
25 behalf, either?

1 MARKUS

2 A. No.

3 MR. KENNEDY: I have no further  
4 questions of the witness at this time.

5 MR. ZUCKERBERG: While we are on the  
6 record, let me just make a supplement to  
7 my document request. I would like to have  
8 produced the dues authorization check-off  
9 card for whatever document the union uses  
10 at Miron's shop to authorize dues  
11 check-off.

12 MR. KENNEDY: We will deem your  
13 request to be amended to include that  
14 which is not to be interpreted as  
15 consented. We will produce it.

16 MR. ZUCKERBERG: Understood.

17 REQUEST

18 MR. KENNEDY: Do you have any  
19 questions of Miron?

20 MR. ZUCKERBERG: I do not.

21 MR. KENNEDY: Let's go off the  
22 record then.

23 (Time noted: 12:42 p.m.)  
24  
25

# **EXHIBIT B**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 TRUSTEES OF THE LAUNDRY, DRY-CLEANING  
4 WORKERS AND ALLIED INDUSTRIES HEALTH  
5 FUND, UNITE HERE; and TRUSTEES OF THE  
6 LAUNDRY, DRY-CLEANING WORKERS AND  
7 ALLIED INDUSTRIES RETIREMENT FUND,  
8 UNITE HERE,

9 Plaintiffs,

10 -against- 07-CV-6999 (DLC)

11 B&M LINEN CORP. D/B/A MIRON & SONS  
12 LINEN SUPPLY A/K/A MIRON & SONS LINEN,  
13 INC.,

14 Defendants.

15 DEPOSITION OF WILFREDO LARANCUENT

16 New York, New York

17 Wednesday, February 20, 2008

18  
19  
20  
21 Reported by:

22 Angela M. Shaw-Crockett, CSR, RPR

23 Job No. 15450  
24  
25

 **COPY**



1 W. LARANCIENT - 2/20/08

2 as an organizer. Became organizing director some  
3 years later. Became secretary treasurer some years  
4 after that and then became manager in 2000.

5 Q. Manager in 2000.

6 Did you ever work for the defendant B&M  
7 Linen Corp. as an employee?

8 A. No.

9 Q. And what is your current position with the  
10 union?

11 A. I am the manager of the Laundry,  
12 Dry-Cleaning and Allied Workers Joint Board of UNITE  
13 HERE.

14 Q. In terms of the hierarchy of the union,  
15 where does that manager's position fit?

16 A. I'm also international vice-president, if  
17 that's what you're asking.

18 MR. KENNEDY: Manager is CEO of the joint  
19 board. Would you agree with that, Wilfredo?

20 THE WITNESS: Yes.

21 BY MR. ZUCKERBERG:

22 Q. Do you report to anybody?

23 A. Yes. I report to my board, my board of  
24 directors. I also have to file reports with my  
25 international.

1 W. LARANCIENT - 2/20/08

2 trustees.

3 Q. And who are they?

4 A. There are three from the union side. One  
5 is Bruce Raynor, president of the union; the other  
6 is Albert Arroyo, secretary/treasurer of the joint  
7 board; and myself.

8 And on the employer's side, there is  
9 Michael Potack, who is the president, I guess, of  
10 Unitex Textile Rental; there is Stanley Israel, who  
11 is an attorney for many of the employers in the  
12 industry; and there is a gentleman called Brian  
13 Santanella. He is the president of a laundry called  
14 Sanitary Linen.

15 Q. And what about on the health fund?

16 A. They are the same trustees.

17 Q. And do you draw any compensation from your  
18 work on the funds?

19 A. No, I do not.

20 Q. How often do the trustees meet?

21 A. As you could imagine, they're busy people,  
22 but we try to meet three times a year. Sometimes  
23 it's four; sometimes it's two.

24 Q. Currently, how many employers have a  
25 collective bargaining relationship with the union?

# EXHIBIT C



1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----X  
3 TRUSTEES OF THE LAUNDRY, DRY-CLEANING  
4 WORKERS AND ALLIED INDUSTRIES HEALTH  
5 FUND, UNITE HERE; and TRUSTEES OF THE  
6 LAUNDRY, DRY-CLEANING WORKERS AND  
7 ALLIED INDUSTRIES RETIREMENT FUND,  
8 UNITE HERE,

9 Plaintiffs,

10 -against- 07-CV-6999 (DLC)

11 B&M LINEN CORP. D/B/A MIRON & SONS  
12 LINEN SUPPLY A/K/A MIRON & SONS LINEN,  
13 INC.,

14 Defendants.  
15 -----X

16 DEPOSITION OF GABRIEL VONLEH

17 New York, New York

18 Wednesday, February 27, 2008

19  
20  
21  
22 Reported by:

23 Angela M. Shaw-Crockett, CSR, RPR

24 Job No. 15575  
25

 **COPY**

1 G. VONLEH - 2/27/08

2 BY MR. ZUCKERBERG:

3 Q. Currently, has the fund, at any time,  
4 received records, payroll records or the records  
5 necessary to do an audit, from the defendant for the  
6 period 2004, if you know?

7 A. I will say on this, to the best of my  
8 recollection, I will say we have not received  
9 information for '04.

10 Q. Let me call your attention to the number  
11 of 587,495.32, which is in the first row of the  
12 chart on page 2 of Defendant 2.

13 MS. PILECKI: For the period 4/04 to  
14 11/04?

15 MR. ZUCKERBERG: Correct.

16 BY MR. ZUCKERBERG:

17 Q. That number is an estimate number?

18 A. This particular number is based on the  
19 information we have available, which will -- so it's  
20 a reflection of information that's been provided for  
21 us of his current employee count and, I believe,  
22 ranging from the period of 2005.

23 Q. Okay. So the 2004 number is based on  
24 records for 2005; is that correct?

25 A. Correct.

1 G. VONLEH - 2/27/08

2 by the individual reflected on that NYS-45.

3 Q. So the answer, though, to the question as  
4 to whether or not the fund made any upward  
5 adjustments to the numbers reported on the NYS-45 is  
6 no?

7 A. That's correct.

8 Q. They accepted the numbers as being  
9 accurate?

10 A. That's correct.

11 Q. And the numbers that are reflected --  
12 other than for '04, the numbers reflected in this  
13 chart on page 2 of Defendant 2 come directly from  
14 the NYS-45?

15 A. Correct.

16 Q. Are there any employees listed on the  
17 NYS-45s that are not included in this calculation?

18 A. Yes.

19 Q. Okay. Is there a way to describe in a  
20 category who those employees are?

21 A. I believe the employer had indicated --  
22 prior to sending us this document -- supervisors.  
23 Those individuals that were indicated as supervisors  
24 were excluded.

25 Q. Okay. Are there any other employees that

1 G. VONLEH - 2/27/08

2 were excluded from the fund's calculation?

3 A. The best of my recollection, I believe  
4 supervisors were the primary employee group that  
5 were excluded.

6 Q. Okay. Let me just show you a document,  
7 again, that was marked as Miron Exhibit 32. I ask  
8 you to page through this.

9 A. (Witness complies.)

10 Q. And do you recognize this document?

11 A. Yes.

12 Q. And what is this document?

13 A. This is the NYS-45 submitted by the  
14 employer to Amalgamated.

15 Q. And I just want to review some names with  
16 you in this report and ask whether or not they were  
17 included in the calculation. My assumption, based  
18 on what you've just testified to, is that the answer  
19 is going to be yes, but I want to confirm that.

20 Next to the name Jose Acevedo --

21 A. What page are you on?

22 Q. It's page 3.

23 MS. PILECKI: Why don't you go last name,  
24 first name as it's listed.

25 BY MR. ZUCKERBERG:

1 G. VONLEH - 2/27/08

2 Q. Acevedo, Jose, there's a notation "worked  
3 one month." That person was included in the  
4 calculation?

5 A. Correct.

6 Q. To your understanding, based on your  
7 understanding, is there any exclusion for employees  
8 based on period of employment with the employer? In  
9 other words, if an employee works two days, is a  
10 contribution supposed to be made on behalf of that  
11 employee?

12 A. To the best of my understanding, yes.

13 Q. So no matter what the length of time is of  
14 employment, a contribution needs to be made?

15 A. Correct.

16 Q. Afolabi, Lasvpo is listed as part-time.  
17 That person was also included in the calculation?

18 A. Correct.

19 Q. Alvarez, Jose worked one week. Also  
20 included in the calculation?

21 A. Correct.

22 Q. If someone was listed as an office  
23 employee, would they have been included in the  
24 calculation?

25 A. It depends on how that is defined.

1 G. VONLEH - 2/27/08

2 Q. Let me ask you this question first: What  
3 relevance does this document have to the calculation  
4 that appears in Defendant Exhibit 2, which is the  
5 chart that you were referring?

6 A. This is actually a reflection of the  
7 payroll, the actual amount for a given period.

8 Q. Okay. So it reflects payroll versus what  
9 was reported?

10 A. Payroll and then also reflection on the  
11 percentage charged as a result of the payroll  
12 reported.

13 MS. PILECKI: For clarity sake, can we  
14 just ask -- can I ask him one question about  
15 the period?

16 MR. ZUCKERBERG: Sure.

17 MS. PILECKI: What period of time is the  
18 first four pages in this document?

19 THE WITNESS: 2005 January, 2005 December.

20 MS. PILECKI: So the first four pages  
21 covers 2005. And the second four pages, what  
22 period does it cover?

23 THE WITNESS: This one is 2006 January and  
24 2006 December.

25 BY MR. ZUCKERBERG: